



# Arizona State Board of Physical Therapy *Newsletter*

February 2006

## HB 2643

### Physical Therapist Assistants

#### 2006 Board of Physical Therapy

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A bill has been filed in the 47<sup>th</sup> Arizona State Legislature (second regular session) that, if passed and signed by Governor Janet Napolitano, would significantly alter the supervision requirements for physical therapist assistants by physical therapists in Arizona. This bill – House Bill 2643 – would also change the composition of the Arizona Board of Physical Therapy by increasing the number of physical therapists serving on the Board from three to four and adding a physical therapist assistant to the Board.

The impetus for the bill was the filing of a Sunrise application with the Arizona State Legislature by the Arizona Association for Home Care (AAHC). The filing of the application consisted of a request by the AAHC that the Legislature allow legislation to be introduced that would expand the "scope" of physical therapist assistants; specifically, that the law be changed to allow physical therapist assistants to work under the general supervision of physical therapists. Since 1998 Arizona law has required physical therapist assistants to work under the on-site supervision of a physical therapist. If this bill becomes law, moving from a more to a less restrictive form of supervision of physical therapist assistants would constitute the most significant policy change in the practice of physical therapy in Arizona since the Arizona Revised Statutes at Title 32, Chapter 19 were completely overhauled in 1998.

The text of the bill is not provided in this newsletter as the bill may be amended by either a committee or by the full House or Senate as the bill is deliberated. Information on the bill, including the entire text and an overview of the bill status, can be found on the web page of the Arizona State Legislature: <http://azleg.state.az.us/>; type "HB2643" in the Bill # Search field in the upper right of the page. At the time this newsletter went to press, the bill contained the following language adding a definition to A.R.S. §32-2001:

"General supervision" means that the supervising physical therapist is on call and is readily available via telecommunications when the physical therapist assistant is providing treatment interventions."

The bill also strikes the current language found at A.R.S. §32-2043(B), "A physical therapist assistant shall function under the on-site supervision of a licensed physical therapist and as prescribed by board rules" and replaces it with the following language:

"A physical therapist assistant certified pursuant to this chapter may perform selected interventions under the general supervision of a physical therapist licensed pursuant to this chapter."

*Continued on Page 2*

## HB 2643 Continued from Page 1

Finally, the bill prescribes the following interim restrictions to the general supervision provisions that would be in effect until the Board promulgates administrative rule changes that would comply with the statutory changes should they become law:

1. A physical therapist assistant must be within fifty miles of the supervising physical therapist if the physical therapist assistant is providing treatment interventions off site.
2. A physical therapist assistant must document evidence of general supervision for each visit, including evidence of the supervisory physical therapist of record.
3. To be able to perform under the general supervision of a physical therapist, a physical therapist assistant must possess evidence of at least two thousand hours of experience working with patients under general supervision.
4. A physical therapist must concurrently supervise not more than three assistive personnel, at least one of whom is a physical therapist assistant. When performing treatment interventions under general supervision, a physical therapist may supervise not more than two physical therapist assistants at any one time.
5. A patient who is receiving physical therapy services by qualified personnel who are performing treatment interventions under general supervision must be seen by the supervising physical therapist of record at least once every six visits or fourteen calendar days, whichever occurs first.
6. The supervising physical therapist retains the right to

determine the use of assistive personnel based on the physical therapist's determination of a patient's acuity and treatment plan.

The primary sponsor of House Bill 2643 is Representative Rick Murphy (R-District 9), and Representative John Allen (R-District 11) is a co-sponsor. The bill will likely receive its first hearing in early February before the Health Committee in the House of Representatives. If the bill receives a "do pass" recommendation by that Committee, and is subsequently determined "constitutional and proper" by the House Rules Committee, the entire House will vote on the bill approximately one week later. The Senate must also approve the bill in similar fashion before it is presented to Governor Napolitano for signature or veto.

The Board has estimated the fiscal impact of this bill to be approximately \$90,000 in the initial year, and \$55,000 in subsequent years. The costs associated with this bill include compensation, travel and training for the two additional Board members and for one additional part-time employee, increased costs associated with Board meetings and hearings, rent for a larger office and relocation costs, and higher administrative overhead costs (e.g. legal and accounting fees, supplies, postage, telecommunications and printing). Passage of this bill and the resultant increase in costs to the Board will necessitate another significant fee increase to licensees and certificate holders in 2008.

### Arizona State Board of Physical Therapy 2006 Substantive Review Schedule Dates

Deadline date for submission of a complete application:

The Board will meet on this date for substantive review of the application:

January 12, 2006	January 23, 2006
February 16, 2006	February 28, 2006
March 17, 2006	March 28, 2006
April 14, 2006	April 25, 2006
May 12, 2006	May 23, 2006
June 16, 2006	June 27, 2006
July 14, 2006	July 25, 2006
August 11, 2006	August 22, 2006
September 15, 2006	September 26, 2006
October 13, 2006	October 24, 2006
November 2006 TBA	November 2006 TBA
December 2006 TBA	December 2006 TBA

The Board has the authority to make scheduling changes as needed.  
To confirm dates, contact the board office at (602) 542-3095 or visit the web site at [www.ptboard.state.az.us](http://www.ptboard.state.az.us) and click on the calendar link.

## IMPORTANT RENEWAL INFORMATION FOR 2006

As you begin to plan your summer vacations REMEMBER this is the year to renew your license or certificate. Per Arizona law all licenses and certificates expire August 31, 2006 at midnight. Keep the following in mind...

**Address** \*\*\*\* Did you move during the previous renewal period? Did you change employment? Did you notify the Board office in writing (US mail, fax or e-mail) of the change? The Board will be mailing the renewal applications in early July 2006. Notify the Board immediately by fax or e-mail of the address to send the application. A.A.C. R4-24-205(F) or A.A.C. R4-24-208(F).

**Complete the renewal application** \*\*\*\* Verify that you have completely answered every question on the application, including your home and business addresses and telephone numbers. Forms that are missing even one piece of information will be returned as incomplete and may result in a lapse of license or certificate if the form is not completed and returned prior to the deadline posting date of August 31, 2006. A.R.S. § 32-2027.

**Renewal Fee** \*\*\*\* The fee has CHANGED effective 02/05/06. The renewal fee is \$160.00 for a physical therapist license and \$55.00 for a physical therapist assistant certificate.

**How can you verify receipt of your renewal?** \*\*\*\* Board staff recommends sending the renewal application by any means of mail which requires a receipt of acceptance, i.e. certified mail or priority mail. We cannot guarantee a return phone call to confirm receipt of applications due to significant time constraints.

**Continuing competence requirement** \*\*\*\* Do not submit the documentation with the renewal application. You will be notified in October if you are randomly selected for the audit.

**Change of name** \*\*\*\* If you are submitting a change of name include legal documentation describing the change such as a copy of your marriage license, divorce decree or a copy of your social security card and driver's license.

**Be on Time** \*\*\*\* Submit the renewal application prior to August 31, 2006 in accordance with A.A.C. R4-24-205(A) or A.A.C. R4-24-208(A). Board staff cannot guarantee applications received after August 15, 2006 will be processed in time for licensees/certificate holders to receive confirmation of renewal in the mail prior to August 31, 2006.

**Can you practice if you miss the deadline?** \*\*\*\* Pursuant to A.R.S. § 32-2027 you may not practice as a physical therapist or work as a physical therapist assistant until your license or certificate has been reinstated. Practicing with lapsed credentials will result in disciplinary action by the Board. A.R.S. § 32-2048.

**What happens if you miss the deadline?** \*\*\*\* You will be required to renew and reinstate your license or certificate. This will incur a reinstatement fee in addition to the renewal fee. A.R.S. § 32-2028

## ONLINE RENEWAL !

The Board is in the process of implementing an online renewal system. The online system will allow you to renew your license or certificate, receive confirmation of payment and acceptance of the application. There will be a minimal fee (approximately \$3) charged by your credit card company for using the online renewal. You will have the option to renew using the online service or by sending in the form via U.S. mail or shipping services. Most common oversights and errors can be eliminated by using our online renewal service.



## ADMINISTRATIVE RULES REVISION

The Arizona Board of Physical Therapy recently completed a two-year effort to significantly revise two sections, or articles, of its administrative rules. Administrative rules are distinct from statutes in that, pursuant to A.R.S. §41-1001(17), rules are defined as "an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency". Promulgating rules is a lengthy and complex process. In the case of the Board's rules, statutory changes, federal law modifications, external transformations and other factors compelled the Board to propose revisions to conform to those changes and to provide clarity and consistency for the benefit of the public. The Board is required by law to prepare an Economic Impact Statement associated with the proposed rulemaking to estimate what, if any, additional costs will be borne by the Board, licensees, certificate holders, the public, and small businesses should the rule changes be approved.

The Board approved the final draft of proposed changes to Articles 1 and 2 of the rules during its regular session meeting on January 23, 2006. Article 1 addresses topics including definitions of key terms and phrases found throughout the rules, Board duties, access to Board records, and fees. Article 2 addresses application requirements for a physical therapist license, application for reinstatement of license and certificate, requirements for licensure for foreign-educated applicants, supervised clinical practice requirements, examination scores, renewal of license and

certificate, application for a physical therapist assistant certificate, and time-frames for Board approvals. By mid-February the proposed rule changes document will be available for viewing and downloading from the Board's website at [www.ptboard.state.az.us](http://www.ptboard.state.az.us) (under the Popular Links section on the right side of the home page). On January 27, 2006 a Notice of Proposed Rulemaking was filed with the Arizona Secretary of State's office. The Board has scheduled an oral hearing during which time any member of the public, as well as licensees and certificate holders, may offer comments on the proposed changes. The oral hearing will be held on March 29, 2006 at 9:00 a.m. at 1400 W. Washington, Phoenix in room B1. Additionally, the Board will accept written comments about the proposed changes for a limited time. After the comment period has closed, the rules will be presented to the Governor's Regulatory Review Council (GRR) for review and possible approval during a public session meeting sometime in the spring of 2006.

Once adopted, official rules of the State of Arizona are published in the Arizona Administrative Code—the official compilation of rules that govern state agencies, boards, and commissions. The Code contains all rules made by regulatory agencies of the state and filed with the Secretary of State's Office after approval by the GRR. Any individual who wishes to obtain additional information about the Board's proposed draft rule changes, or the rulemaking process, may contact the Board's Executive Director, Heidi Herbst Paakkonen, at 602-542-8157.



2006 Board of Physical Therapy: (Standing) Randy Robbins, Mark Cornwall, P.T., Merle Gossman  
(Seated) Helene Fearon, P.T., Joni Kalis, P.T.

## CATEGORY A COURSEWORK—CLARIFIED!

The Arizona Board of Physical Therapy, with the invaluable assistance of the members of the Continuing Competence Audit Committee, has reviewed more than 600 audit submissions from physical therapists over the past two renewal cycles: 2000–2002; and 2002–2004. A common misunderstanding that frequently occurs is that many physical therapists do not realize that at least 10 of the required 20 contact hours earned in each compliance period must be Category A approved [A.A.C. R4-24-401(A)(1)], "The licensee shall earn at least 10 contact hours from Category A continuing competence activities". Lack of compliance with this requirement constitutes the prevailing reason why licensees are found out of compliance following audit review. In an effort to clarify the Category A requirement, we are sharing some questions and scenarios that the Board has encountered in a "Q and A" format, along with explanations. This article does not address Category B and C options for continuing competence contact hours, but any questions concerning Categories B and C can be directed to Board staff via telephone or e-mail.

Category A continuing competence activities are described in Board rule as follows:

A.A.C. R4-24-402. Continuing Competence Activities

A. Category A continuing competence activities shall be approved by:

1. An accredited medical, health care, or physical therapy program;
2. A state or national medical, health care, or physical therapy association, or a component of the association; or
3. A national medical, health care, or physical therapy specialty society.

B. Category A continuing competence activities include:

1. A physical therapy continuing education course designed to provide necessary understanding of current research, clinical skills, administration, or education related to the practice of physical therapy. Calculation of contact hours shall be determined by dividing the total minutes of instruction by 60. Breaks shall not be included as part of instructional time;
2. Coursework towards granting or renewal of a physical therapy clinical specialty certification approved by the Board. Each 60 minutes of instruction equals one contact hour;
3. Coursework in a physical therapy clinical residency program. Each 60 minutes of instruction equals one contact hour; and
4. Coursework in a postgraduate physical therapy education from an accredited college or university. Each 60 minutes of instruction equals one contact hour.

Q. Would a course approved by the Kansas Board of Physical Therapy meet my Category A requirements?

A. Generally no. A course that is approved SOLELY by a regulatory board does not meet the definition of a Category A course. A licensing board is not an accredited program, nor is it an association or specialty society. However, if the course is also approved by a physical therapy, medical or health care association, such as the Kansas Physical Therapy Association, it is a Category A course. Some state boards have formal arrangements with their state physical therapy association (APTA chapter) whereby that association reviews and approves courses for the Board. In these instances the Arizona board would consider those courses as Category A. If you see that a course is approved by a board, but you are unclear as to whether the course might also be approved by a Category A organization, call the Board staff for assistance.

Q. Can a 10 hour course in physical therapy ethical practice that is approved by the Arizona Physical Therapy Association fulfill my entire 10 contact hour Category A requirement?

A. No. Board rule at R4-24-401(A)(1) requires that "no more than 5 of the required contact hours from Category A shall be obtained from non-clinical course work". Therefore, 5 hours of this course can be credited toward Category A, but another 5-hour clinical course that is approved by a Category A entity as defined in the rule must also be completed. It might be possible to use the other five (5) contact hours of the ethics course under Category C.1 Practice Management coursework, which has a five (5) contact hour maximum, providing those maximum hours have not already been met by use of another course.

Q. Can any Internet courses fulfill Category A requirements?

A. Yes. Any courses that meet the requirements of the rule described above are Category A courses, regardless of whether they are internet, home study or classroom format. Examples of these types of courses are offered through the web-site of the American Physical Therapy Association (APTA).

Q. Can any of the coursework in a Transitional DPT program fulfill Category A requirements?

A. Generally yes. As long as you are taking courses through a physical therapy education program that is accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE), postgraduate tDPT coursework would be considered as Category A. The Board is aware of at least

*Continued on Page 6*

## CATEGORY A COURSEWORK *Continued from Page 5*

one transitional DPT program that is offered by a non-CAPTE accredited university (Rocky Mountain University). Anyone currently taking transitional DPT courses and planning to use these courses to fulfill Category A requirements should confirm with the institution whether the physical therapy program is CAPTE accredited.

Q. Is it safe to assume that if a course instructor is a renowned expert in the field of physical therapy the course will be considered Category A?

A. No. The course may be an excellent course with respect to its content and the expertise of the instructor. However, if the instructor, or the course sponsor/provider, has not secured approval by one of the three Category A approving entities, it will not count as Category A. If the course materials do not mention any approval entities, you should contact the course instructor, sponsor or provider to ascertain whether the course has Category A contact hour approval. Obtaining that information in writing, by letter or email is **STRONGLY** encouraged so you will have proof of Category A approval to submit if you are audited. The Audit Committee cannot assume that the course is Category A approved if this isn't stated on the brochure or certificate/letter of completion. You may also contact Board staff if you are unclear about how to determine whether certain statements on the course promotional materials qualify that course as Category A.

Q. I received a brochure for a course that states that it is approved by the Arizona Board of Physical Therapy. Can this be correct?

No. The Board had no authority either in statute or rule to approve courses for continuing competence contact hours. Unfortunately, from time to time we learn of course sponsors or providers who misrepresent Arizona Board approval on their promotional materials and we have to contact those sponsors or providers and inform them of the error. Any time you see that a course is Arizona Board of Physical Therapy approved, please contact the Board staff so that we can investigate the matter.

Q. My employer requires me to take a series of courses for my job. Can I assume that these courses will fulfill my requirements for Category A contact hours?

No. The Audit Committee has reviewed some audit submissions consisting of employer mandated training that is NOT Category A approved. Ideally, any physical therapist who

must complete specific training for his or her employment would like to "kill two birds with one stone" and also meet his or her continuing competence requirements for renewal of license. However, many employers have not sought approval of those courses from a Category A approving entity as described in Board rule. Some of this coursework may be utilized for contact hours under Categories B or C but they don't necessarily qualify to fulfill Category A requirements. We urge licensees to ask their employers to learn whether the required courses have been submitted to a Category A approval entity. Licensees need to understand, however, that in some instances they may need to complete Category A qualifying courses **IN ADDITION TO** their employer-mandated training if their employer-mandated courses are not Category A approved.

Q. Can I complete my entire 20 hour requirement using one Category A course rather than complete contact hours in Categories B and C?

Yes. A.A.C. R4-24-401(A)(1) states that licensees shall earn **AT LEAST 10** contact hours in Category A, meaning that **ALL** of the required hours may be earned in Category A. Licensees have the option of completing their continuing competence requirements using one Category A course or by completing 10 hours in Category A and the balance of the 20 hour requirement in Categories B and/or C.

Q. In reviewing a course brochure, I see that the course is approved by a number of entities but I have no idea whether these entities are any of those described in the rules. What should I do?

Call the Board staff. Any staff member will happily take the time to review with you a course brochure and advise you **TO THE EXTENT** possible, whether those approval entities **MAY** be appropriate Category A entities. We will rely to some extent on precedent, i.e. has the Audit Committee and the Board previously determined that a certain entity meets the description of a Category A approving entity. We are also willing to do some research if necessary to make this determination. Other entities are obviously "slam-dunk" Category A approving entities, and we will advise you of this fact. The bottom line is that we would **MUCH** rather take a few moments to discuss with you a course before you spend the time and money to take it rather than invest considerable time and resources to advise you after the audit review that you are out of compliance with the Board's continuing competence requirements for license renewal.

Visit the Board's web site at [www.ptboard.state.az.us](http://www.ptboard.state.az.us)

# BOARD DISCIPLINARY ACTION

June 2005–January 2006

Minutes of the Regular Session meetings of the Board of PT are public record and available upon request, as are Consent Agreements and Board Orders. Copies of Board minutes and disciplinary action documents may be obtained by submitting a Public Records Request, available on the Board's web site at [www.ptboard.state.az.us](http://www.ptboard.state.az.us).

Case #	Name	Lic. #	Violation(s)	Description	Action	Date of action
#04-12	Erwin Edwards, PT	6250	§32-2044(1) §32-2044(13)	Violating statute Fraudulent Fees	Decree of Censure	July 06, 2005
#04-17	Dominic Affuso, PT	5333	§32-2044(1) §32-2044(6)	Violating statute Unlawful supervision	Consent Agreement Decree of Censure	July 20, 2005
#04-23	Jenelle Lauchman, PT	6372	§32-2044(4) §32-2044(12) §32-2044(13) §32-2044(20)	Substandard care Unethical conduct Fraudulent fees Inadequate documentation	Order of Probation (12 months)	Jan. 16, 2006
#05-02	Joanne Honkonen, PTA	5690A	§32-2044(1) §32-2044(12) §32-2043(B)	Violating statute Unethical conduct Unsupervised work	Consent Agreement & Order of Probation (90 days)	July 20, 2005
#05-03	Lauren Kozella, PT	5379	§32-2044(1) R4-24-401G.2 32-2044(3)	Violating statute Failing to obtain cont. comp. hours Obtaining a license by misrepresentation	Consent Agreement & Order of Probation (6 months)	June 29, 2005
#05-05	Shashi Rohrbough, PT	3971	§32-2044(1) R4-24-401G.2 32-2044(3)	Violating statute Failing to obtain cont. comp. hours Obtaining a license by misrepresentation	Consent Agreement & Order of Probation (6 months)	June 29, 2005
#05-06	Donna Macia, PT	1033	§32-2044(1) R4-24-401G.2	Violating statute Failing to obtain cont. comp. hours	Consent Agreement & Order of Probation (6 months)	June 15, 2005
#05-07	Dominic Affuso, PT	5333	§32-2044(1) R4-24-401G.2	Violating statute Failing to obtain cont. comp. hours	Consent Agreement & Order and Decree of Censure	July 20, 2005
#05-08	Virginia Morgan, PT	0359	§32-2044(1) §23-2044(4) §32-2044(20)	Violating statute Substandard care Inadequate records	Order of Probation (6 months)	Jan. 20, 2006
#05-11	Bryan Hannley, PT	3279	§32-2044(4) §32-2044(12) §32-2044(20)	Substandard care Unethical conduct Inadequate records	Order of Probation (12 months)	Dec. 7, 2005
#05-13	Timothy Borden, PT	0803	§32-2044(1) §32-2044(7) §32-3208(A)	Violating statute Committing a felony Failing to notify the Board about mis- demeanor charges	Consent Agreement & Order of Probation (12 months)	Dec. 20, 2005

## UNLAWFUL PRACTICE

The following physical therapists/physical therapist assistants practiced or worked with lapsed licenses/certificates:

UPI#	Name	Lic. #	Violation(s)	Description	Action	Date of action
#05-01	Todd Lukasik, PT	4021	§32-2044(1) §32-2048(A)	Violating statute Unlawful practice	Consent Agreement & Probation	Mar. 31, 2005
#05-02	Mark Duckworth, PTA	0181A	§32-2044(1) §32-2048(A)	Violating statute Unlawful practice	Consent Agreement & Probation	April 22, 2005

Arizona State Board of Physical Therapy  
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## CHANGE OF ADDRESS AND TELEPHONE

Pursuant to A.A.C. R4-24-205 (F) and A.A.C. R4-24-208 (F), each licensee and certificate holder is responsible for reporting to the board a name change and changes in business and home addresses and telephone numbers within 30 days after the change. A name change must be accompanied by a legal document. Changes of address and telephone numbers (business or home) must be submitted to the board office in writing either via mail, fax (602-542-3093) or e-mail (carol.lopez@ptboard.state.az.us). For your convenience the following Change of Address/Telephone form may be used to submit any changes to your contact information.

Name \_\_\_\_\_ Lic. / Cert. # \_\_\_\_\_ E-mail \_\_\_\_\_

Name Change\*\* \_\_\_\_\_ (\*\*Must include legal documentation)

Home Address change \_\_\_\_\_

Home Telephone change \_\_\_\_\_

Business Address change \_\_\_\_\_

Business Telephone change \_\_\_\_\_